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Viewing cable 06BEIRUT2609, LEBANON: JUSTICE MINISTER SAYS DRAFT TRIBUNAL

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06BEIRUT2609	2006-08-14 08:30	2011-08-30 01:44	CONFIDENTIAL	Embassy Beirut

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SUBJECT: LEBANON: JUSTICE MINISTER SAYS DRAFT TRIBUNAL
FRAMEWORK IS UNDER STUDY (PART II)

Classified By: Jeffrey D. Feltman, Ambassador. Reason 1.4 (d).

SUMMARY

1. (C) During an August 13 meeting with Ambassador and poloff, Lebanese Minister of Justice Charles Rizk said that the United Nations had provided him with a draft framework for a "special tribunal of international character" to try suspects in the assassination of Rafiq Hariri, and that the draft is currently under study. He added that, separate from the international tribunal, Saad Hariri and former Justice Minister Bahij Tabbareh want to present a case against PM Ehud Olmert and Israeli military commanders. Rizk agreed with the Ambassador that they should be discouraged from pursuing this course. In a discussion on Lebanese politics, Rizk suggested that the root of Lebanon's problems is in its stubborn adherence to a confessionalized party system, and that a new electoral law would help encourage the formation of cross-sectarian parties. End Summary.

INTERNATIONAL TRIBUNAL

2. (C) Rizk said that the UN's Office of the Legal Advisor (OLA) had provided an "informal draft" laying out the framework for a "special tribunal with international character" to try suspects in Hariri's assassination. Noting that the draft is being kept very close hold, Rizk said he had passed it to PM Siniora who had shared it with former Minister of Justice Bahij Tabbareh to study before it comes under more general government scrutiny.

3. (C/NF) Rizk said Hariri's widow Nazek had also requested a copy, which he had refused to provide to her. He added that Nazek, ensconced in Paris, had called him to tell him that "my friend here asks why don't you call Kofi?" Rizk says he told her that he couldn't do so because "it's still not government policy." Suspecting Nazek's "friend" to be Jacques Chirac, Rizk believes the French President is leaning heavily on the UN to get the tribunal set up.

4. (C) Regarding the draft, Rizk said there are two initial concerns with it. Firstly, the pre-trial judge assigned in conjunction with the prosecutor is given "too much control." Secondly, the tribunal is given competency over the Hariri assassination and "all related crimes between October 2004 and December 2005," those dates marking the assassination attempt on Marwan Hamadeh and the assassination of Gibran Tueni respectively. While Rizk professes he would prefer a tribunal with competency from October 2004 until five years hence, in order to "dissuade any future criminal act," he believes that Hizballah would never accept even the timeframe as it is in the current draft. Rizk noted though, that much depends on whether Hizballah emerges stronger or weaker from the current conflict with Israel.

SUING ISRAEL

5. (C/NF) In a very brief mention, Rizk said that Hariri and Tabbareh had asked him to look into suing Israeli leadership, including PM Olmert, over its prosecution of the war with Lebanon. Rizk acknowledged he had been in touch about this with UNIIIC Chief Serge Brammertz, who had referred him to another judge (Note. Rizk mentioned this judge is Italian. End Note). The second judge informed him that Lebanon risked being counter-sued over the behavior of Hizballah. Rizk said Tabbareh had been incensed when he heard this, and had criticized Rizk for consulting someone "on the other side." Agreeing with the Ambassador that this suit against Israel would be a most ill-advised move, Rizk

said that nevertheless it is still under consideration.

DO AWAY WITH CONFESSIONAL POLITICS

¶6. (C) Towards the end of the meeting, Rizk expounded on his opinion that reform of the electoral system in Lebanon was key to fostering a more effective and united central government. Claiming that the Christian population in

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Lebanon is "melting under the sun," a reference to the high rate of emigration, he said that the only way for the Christians to survive would be through establishing a new electoral law which supports cross-confessional politics. Rizk suggests keeping the 50/50 parliamentary split between Christians and Muslims, while establishing constituencies in which political parties must present balanced cross-confessional slates that are not based on the demographic makeup of the constituency so that, in effect, a Maronite would need votes in an all-Shi'a district or a Druze in an all-Maronite district. "They would have to be part of a ticket. I relish a system whereby the Muslims need the Christians, and vice versa."

¶7. (C) Aware that his plan would meet with widespread resistance from the dwindling primarily-Maronite, Christian population since their MPs would be forced to appeal to more and more Muslim voters, Rizk said that he had spoken on this with Maronite Patriarch Sfeir who was supportive of his idea. The Maronites can not continue to behave as though they are still the largest community in Lebanon, according to Rizk. "The Maronites should not hang on to this sinking ship."

COMMENT

¶8. (C) If the cessation of hostilities holds, we need to focus on reenergizing the Hariri investigation and facilitating the establishment of a tribunal. Syria and its Lebanese allies are likely hoping to slow-roll the process. We need to ensure this does not happen. When Syria suffered a defeat in September 2004 with the passage of UNSCR 1559, Syria -- presumably -- responded by killing Rafiq Hariri. When Syria suffered a second defeat with the March 14, 2005 "Cedar Revolution" and departure of the Syrian troops a month later, Lebanon was hit with a dozen bombings, assassinations, and assassination attempts. UNSCR 1701 is another defeat for Syria (and for those, like Spanish Foreign Minister Moratinos, who advocated a role for Syria in the deliberations). We should brace ourselves for a Syrian response. Moving ahead expeditiously on the establishment of a special tribunal with international character should help protect Lebanon.

FELTMAN